

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9747 OF 2019

Pravin Trimbak Sarade and Anr. ...Petitioners
V/s.
Commissioner of Co.Op. Societies and the
Registrar General of Money Lenders
Maharashtra Pune and Ors. ...Respondents

Mr. Vanraj R. Shinde, for the Petitioners.
Mr. C. D. Mali, AGP for the Respondent / State.
Mr. S. T. Bhosle a/w. Ms. Shraddha Pawar i/b. Mr. Dilip Bodke,
for the Respondent No.4.

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**CORAM : C.V. BHADANG, J.
DATE : 6 OCTOBER 2022**

P.C.

. The challenge in this petition is to the order dated 26 June 2019 passed by the Registrar of Cooperative Societies by which the application filed by the Respondent No.4-Ramchandra Ghorpade has been remitted back to the file of the District Deputy Registrar (DDR) Solapur for deciding it afresh in accordance with law.

2. The brief facts are that the Respondent No.4 had filed application before the DDR Solapur against the Petitioners (non

Applicant Nos.3 and 4 before the DDR) and Smt. Rukmini Mane and Kisan Mane (the original non Applicant Nos.1 and 2 before the DDR). That application was filed under Section 18 of the Maharashtra Money-Lending (Regulation) Act, 2014 and Rule 17 of the Rules, framed thereunder. The Respondent No.4 had sought a declaration about the Sale Deed dated 7 October 2002 being null and void, as being in breach of the provisions of the 2014 Act. That application is registered as Suit No.79/2015 on the file of DDR Solapur. The allegation is that the Respondent Nos.5 and 6 herein are indulging into money lending without license and were advancing money by taking landed property as security.

3. It appears that the Petitioners filed an application before the DDR Solapur, for rejection of Suit No.79/2015, on the ground that Civil Suit No.356/2012 was pending before the Competent Civil Court at Karmala which was in respect of the same subject matter pertaining to the Sale Deed dated 7 October 2002. It was contended that on account of this, the Civil Suit No.79/2015 before the DDR Solapur was not maintainable.

4. The DDR Solapur by an order dated 27 October 2016, has allowed the application filed by the Petitioners and Suit No.79/2015 was disposed of.

5. The Respondent No.4 feeling aggrieved, approached the

Divisional Joint Registrar of Cooperative Societies Pune, in Appeal No.5/2016. The Divisional Joint Registrar, by an order dated 19 April 2018 has dismissed the Appeal No.5/2016 which was challenged by the Respondent No.4 before the Respondent No.1 who is Revisional Authority in Revision Application No.13/2018. The Respondent No.1 by the impugned judgment and order dated 26 June 2019 has set aside the order passed by the DDR Solapur and the Divisional Joint Registrar, Pune and has remitted the matter back to DDR Solapur.

6. I have heard the learned counsel for the parties. Perused record.

7. The only contention raised on behalf of the Petitioners is that the Revisional Authority was not justified in making observations and recording findings about nature of transaction of sale and the sale deed executed. It is submitted that such finding is beyond the scope of revisional powers exercised by the Respondent No.1. The learned counsel has expressed apprehension that these findings can come in the way of the Petitioners. Except these, there are no other contentions raised.

8. The learned counsel for the Respondents, in all fairness, submitted that the DDR Solapur has to decide the matter afresh and in accordance with law, all the rival contentions of the parties

being left open.

9. Learned AGP supports the impugned order.

10. In that view of the matter, the petition is disposed of, with clarification that the learned DDR Solapur shall decide the application (Suit No.79/2015) on its own merits and in accordance with law without being influenced by the observations and the findings recorded by the Respondent No.1. All the rival contentions of the parties, on merits, are left open. The petition is disposed of in the aforesaid terms, with no order as to costs.

C.V. BHADANG, J.